

AMENDED IN SENATE JULY 29, 1998  
AMENDED IN ASSEMBLY MAY 22, 1998  
AMENDED IN ASSEMBLY MARCH 12, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1686**

**Introduced by Assembly Members Wildman, Havice,  
Hertzberg, and Murray  
(Coauthors: Assembly Members Baca, Gallegos, Honda,  
Knox, Kuehl, Napolitano, and Wright)  
(Coauthor: Senator Watson)**

January 16, 1998

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An act to ~~amend Sections 163, 164, and 167 of~~ *add Sections 210 and 212 to*, and to repeal Sections 215.5 and 215.6 of, the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 1686, as amended, Wildman. Highways: soundwalls.

Existing law requires that all transportation funds that are available to the state be expended according to specified priorities. Twenty-five percent of the balance available after deducting expenditures for those priorities is required to be available for interregional capital improvement projects and 75% of that balance is required to be available for regional capital improvement projects, both of which are programmed in the state transportation improvement program. The funds made available for regional projects are required to be used for, among other things, soundwall projects.

Existing law requires the Department of Transportation to develop and implement a system of priorities for ranking the need for retrofit of soundwalls along freeways.

~~This bill would require that 50% of the expenditures programs for retrofitting the soundwalls that are included on a specified priority list established by the department on May 3, 1989, be funded prior to making state transportation funds available for interregional and regional capital improvement projects in the state transportation improvement program. The bill would prohibit the expenditure of funds provided for any project in the soundwall retrofitting program unless a match of 50% of the design and construction costs for that project is provided from local funding sources. The bill would provide that soundwallretrofitting projects on the department's priority list would not be funded as regional soundwall projects developed by the department, jointly with the regional transportation planning agency for the region in which a soundwall retrofit project is located, and submitted to the California Transportation Commission on or before March 1, 1999, including a project completion schedule and a funding plan that provide for completion of the project not later than July 1, 2006.~~

*The bill would require that funding for the project be provided 50% from specified interregional improvement funds and 50% from the county's share of specified regional improvement funds. The bill would authorize the transportation planning agency, county transportation commission, or local transportation authority where the project is located to provide other local funds to supplement or replace the funds authorized to be provided under this provision.*

*The bill would authorize the department or the regional transportation planning agency, or both of those entities, to recommend to the commission that the project be deleted from the specified priority list and would authorize the commission to delete the project upon finding that the project is not cost effective and that deletion of the project will not have an adverse impact on the public health, safety, and welfare.*



*The bill would authorize the commission to delay the completion date of the project to any date that is on or before July 1, 2008, if the department and the regional transportation planning agency request that delay.*

*The bill would require the commission to adopt, on or before June 1, 1999, the initial program submitted by the department. The bill would authorize the initial program to be revised by the regional transportation planning agency and the commission as required for conformance with the regional transportation improvement program and the state transportation improvement program.*

~~This~~

*The bill would ~~repeat~~ substantially revise the requirement that the ~~Department of Transportation~~ department develop and implement a system of priorities for ranking the need for the installation of soundwalls along freeways and would make a related change.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. Section 163 of the Streets and Highways~~

2 *SECTION 1. Section 210 is added to the Streets and*  
3 *Highways Code, to read:*

4 *210. (a) Notwithstanding any other provision of law,*  
5 *programming of any retrofit soundwall project that is*  
6 *included on the May 3, 1989, priority list established by*  
7 *the department under Section 215.5 shall be in*  
8 *accordance with this section.*

9 *(b) (1) The department, jointly with the regional*  
10 *transportation planning agency for the region in which*  
11 *the project is located, shall develop and submit to the*  
12 *commission, on or before March 1, 1999, a program to*  
13 *construct the project, including, but not limited to, a*  
14 *project completion schedule and a funding plan that*  
15 *provide for completion of the project not later than July*  
16 *1, 2006.*

17 *(2) If the department and the regional transportation*  
18 *planning agency have not complied with paragraph (1)*

1 on or before March 1, 1999, the commission shall develop  
2 and adopt the project completion schedule or funding  
3 plan, or both the schedule and plan.

4 (c) Funding for the project shall be provided as  
5 follows:

6 (1) Fifty percent of the total cost for the project shall  
7 be provided from interregional improvement funds  
8 programmed under paragraph (1) of subdivision (a) of  
9 Section 164. Funds provided under this paragraph shall  
10 be programmed in accordance with Section 188.

11 (2) Fifty percent of the total cost for the project shall  
12 be provided from the county's share of the regional  
13 improvement funds made available under Section 188.8.  
14 The transportation planning agency, county  
15 transportation commission, or local transportation  
16 authority where the project is located may provide other  
17 local funds to supplement or replace the funds authorized  
18 to be provided under this paragraph.

19 (d) The department or the regional transportation  
20 planning agency, or both of those entities, may  
21 recommend to the commission that the project be  
22 deleted from the priority list described in subdivision (a).  
23 The commission may delete the project upon finding that  
24 both of the following are true:

25 (1) The project is not cost effective.

26 (2) Deletion of the project will not have an adverse  
27 impact on the public health, safety, and welfare.

28 (e) The commission may delay the completion date of  
29 the project to any date that is on or before July 1, 2008, if  
30 the department and the regional transportation planning  
31 agency request that delay.

32 (f) (1) The commission shall adopt, on or before June  
33 1, 1999, the initial program submitted by the department  
34 under subdivision (b).

35 (2) The initial program may be revised by the regional  
36 transportation planning agency and the commission as  
37 required for conformance with the regional  
38 transportation improvement program and the state  
39 transportation improvement program.

1 SEC. 2. Section 212 is added to the Streets and  
2 Highways Code, to read:

3 212. (a) Upon the request of a transportation  
4 planning agency, county transportation commission, or  
5 local transportation authority, the department shall  
6 evaluate proposed freeway soundwall or other noise  
7 attenuation barrier projects within the jurisdiction of the  
8 requesting local transportation entity and give each  
9 project a rating to assist that entity in assigning a priority  
10 to the project.

11 (b) Criteria for assigning the rating required under  
12 subdivision (a) shall include, but need not be limited to,  
13 all of the following:

14 (1) Impact upon a residential area that was developed  
15 prior to the opening of, or subsequent major alteration to,  
16 the freeway.

17 (2) Existing and future intensity of sound generated  
18 by the freeway.

19 (3) Increase in traffic flow since the original  
20 construction of, or subsequent major alteration to, the  
21 freeway.

22 (4) Cost of building the soundwall compared to the  
23 expected reduction in noise.

24 (5) Number of persons living in close proximity to the  
25 freeway.

26 (6) Whether a majority of the persons residing in close  
27 proximity to the freeway resided there prior to the time  
28 the freeway routing was adopted by the commission.

29 (c) For purposes of paragraph (6) of subdivision (b),  
30 the city or county in which a residential area is located  
31 shall provide documentation to the department on the  
32 percentage of persons residing in close proximity to the  
33 freeway that resided there prior to the time the freeway  
34 routing was adopted by the commission.

35 (d) The local entity requesting the evaluation  
36 authorized under this section shall reimburse the  
37 department for the costs of performing the evaluation.

38 ~~Code is amended to read:~~

39 ~~163. The Legislature, through the enactment of this~~  
40 ~~section, intends to establish a policy for the use of all~~

~~1 transportation funds that are available to the state,  
2 including the State Highway Account, the Public  
3 Transportation Account, and federal funds. The  
4 department and the commission shall prepare fund  
5 estimates pursuant to Sections 14524 and 14525 of the  
6 Government Code based on the following:~~

~~7 (a) Annual expenditures for the administration of the  
8 department shall be the same as the most recent Budget  
9 Act, adjusted for inflation.~~

~~10 (b) Annual expenditures for the maintenance and  
11 operation of the state highway system shall be the same  
12 as the most recent Budget Act, adjusted for inflation and  
13 inventory.~~

~~14 (c) Annual expenditure for the rehabilitation of the  
15 state highway system shall be the same as the most recent  
16 Budget Act, or, if a long-range rehabilitation plan has  
17 been enacted pursuant to Section 164.6, it shall be based  
18 on planned expenditures in a long-range rehabilitation  
19 plan prepared by the department pursuant to Section  
20 164.6.~~

~~21 (d) Annual expenditures for local assistance shall be  
22 the amount required to fund local assistance programs  
23 required by state or federal law or regulations, including,  
24 but not limited to, railroad grade crossing maintenance,  
25 bicycle lane account, congestion mitigation and air  
26 quality, regional surface transportation programs, local  
27 highway bridge replacement and rehabilitation, local  
28 seismic retrofit, local hazard elimination and safety, local  
29 federal demonstration projects, and local emergency  
30 relief.~~

~~31 (e) Annual expenditures for the retrofit soundwall  
32 program shall be 50 percent of the amount required to  
33 complete by July 1, 2004, the design and construction of  
34 the soundwalls included on the May 3, 1989, priority list  
35 established by the department pursuant to Section 215.5.  
36 Notwithstanding any other provision of law, the  
37 department may recommend to the commission that a  
38 soundwall project be deleted from the list, and the  
39 commission, based upon that recommendation, may  
40 delete the project if it determines the project is not~~

1 ~~cost-effective, and the deletion of the project will not~~  
2 ~~negatively impact the public health, safety, and welfare.~~

3 ~~(f) After deducting expenditures for administration,~~  
4 ~~operation, maintenance, local assistance, safety,~~  
5 ~~rehabilitation, and retrofit soundwalls pursuant to~~  
6 ~~subdivisions (a), (b), (c), (d), and e, and for expenditures~~  
7 ~~pursuant to Section 164.56, the remaining funds shall be~~  
8 ~~available for capital improvement projects to be~~  
9 ~~programmed in the state transportation improvement~~  
10 ~~program.~~

11 ~~SEC. 2. Section 164 of the Streets and Highways Code~~  
12 ~~is amended to read:~~

13 ~~164. (a) Funds made available for transportation~~  
14 ~~capital improvement projects under subdivision (f) of~~  
15 ~~Section 163 shall be programmed and expended for the~~  
16 ~~following program categories:~~

17 ~~(1) Twenty-five percent for interregional~~  
18 ~~improvements.~~

19 ~~(2) Seventy-five percent for regional improvements.~~

20 ~~(b) Sixty percent of the funds available for~~  
21 ~~interregional improvements under paragraph (1) of~~  
22 ~~subdivision (a) shall be programmed and expended for~~  
23 ~~improvements to state highways that are specified in~~  
24 ~~Sections 164.10 to 164.20, inclusive, and that are outside~~  
25 ~~the boundaries of an urbanized area with a population of~~  
26 ~~more than 50,000, and for intercity rail improvements.~~

27 ~~(c) Not less than 15 percent of the amount of funds~~  
28 ~~programmed under subdivision (b) shall be programmed~~  
29 ~~for intercity rail improvement projects, including~~  
30 ~~separation of grade projects.~~

31 ~~(d) Funds made available under paragraph (1) of~~  
32 ~~subdivision (a) shall be used for transportation~~  
33 ~~improvement projects that are needed to facilitate~~  
34 ~~interregional movement of people and goods. The~~  
35 ~~projects may include state highway, intercity passenger~~  
36 ~~rail, mass transit guideway, or grade separation projects.~~

37 ~~(e) Funds made available under paragraph (2) of~~  
38 ~~subdivision (a) shall be used for transportation~~  
39 ~~improvement projects that are needed to improve~~  
40 ~~transportation within the region. The projects may~~

~~1 include, but shall not be limited to, improving state  
2 highways, local roads, public transit, intercity rail,  
3 pedestrian, and bicycle facilities, and grade separation;  
4 transportation system management, transportation  
5 demand management, soundwall projects not included  
6 on the May 3, 1989, retrofit soundwall priority list  
7 established by the department pursuant to Section 215.5,  
8 intermodal facilities, and safety.~~

~~9 (f) Funds provided for any project in the retrofit  
10 soundwall program under subdivision (c) of Section 163  
11 may not be expended unless a match of 50 percent of the  
12 design and construction costs for that project is provided  
13 from local funding sources.~~

~~14 SEC. 3. Section 167 of the Streets and Highways Code  
15 is amended to read:~~

~~16 167. (a) Funds in the State Highway Account in the  
17 State Transportation Fund shall be programmed,  
18 budgeted subject to Section 163, and expended to  
19 maximize the use of federal funds and shall be based on  
20 the following sequence of priorities:~~

~~21 (1) Operation, maintenance, and rehabilitation of the  
22 state highway system.~~

~~23 (2) Safety improvements where physical changes,  
24 other than adding additional lanes, would reduce  
25 fatalities and the number and severity of injuries.~~

~~26 (3) Retrofit soundwalls, as specified in subdivision (c)  
27 of Section 163.~~

~~28 (4) Transportation capital improvements that expand  
29 capacity or reduce congestion, or do both.~~

~~30 (5) Environmental enhancement and mitigation  
31 programs.~~

~~32 (b) With respect to the funds in the State Highway  
33 Account, in the Public Transportation Account, and in  
34 the Passenger Rail Bond Fund, the proposed budget shall  
35 be organized on a program basis. The proposed budget  
36 shall list the proposed expenditures for the transportation  
37 program under the following program elements:~~

~~38 (1) Administration.~~

~~39 (2) Program development.~~

~~40 (3) Maintenance.~~



1 ~~(4) State highway operation and protection.~~

2 ~~(5) Local assistance.~~

3 ~~(6) Interregional improvements.~~

4 ~~(7) Regional improvements.~~

5 ~~(8) Environmental enhancement and mitigation~~  
6 ~~programs.~~

7 ~~(c) State operations expenditure amounts of the~~  
8 ~~department for interregional and regional transportation~~  
9 ~~improvement projects shall be listed as required by~~  
10 ~~subdivision (b) of Section 14529 of the Government Code,~~  
11 ~~but those amounts other than those for the acquisition of~~  
12 ~~rights-of-way and construction shall not be subject to~~  
13 ~~allocation by the commission.~~

14 ~~(d) To align the annual budget with the adopted state~~  
15 ~~transportation improvement program, the department~~  
16 ~~may submit to the Department of Finance revised capital~~  
17 ~~outlay support and capital outlay budget estimates as part~~  
18 ~~of its May revision process.~~

19 ~~(e) The budget shall not include specific~~  
20 ~~appropriations for specific transportation improvement~~  
21 ~~projects, and the Legislature shall not enact legislation~~  
22 ~~containing specific individual transportation projects.~~

23 ~~(f) The basis for defining major and minor capital~~  
24 ~~outlay projects shall be established by the commission.~~

25 ~~(g) The Legislative Analyst shall prepare an analysis of~~  
26 ~~the proposed expenditures for each program element as~~  
27 ~~a part of the budget analysis.~~

28 ~~SEC. 4.—~~

29 ~~SEC. 3. Section 215.5 of the Streets and Highways~~  
30 ~~Code is repealed.~~

31 ~~SEC. 5.—~~

32 ~~SEC. 4. Section 215.6 of the Streets and Highways~~  
33 ~~Code is repealed.~~